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Hearing Date: December 19, 2018
Objections Due: December 10, 2018

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate of Bernard
L. Madoff,

Plaintiff,

v.

DEFENDANTS IN ADVERSARY PROCEEDINGS
LISTED ON EXHIBIT A ATTACHED HERETO,

Defendants.

Adv. Pro. Nos. listed on Exhibit A
Attached Hereto

**CERTIFICATE OF NO OBJECTION TO TRUSTEE'S MOTION FOR ORDERS
AUTHORIZING THE DEPOSITIONS OF FEDERAL PRISONERS
ANNETTE BONGIORNO, DANIEL BONVENTRE, AND JOANN CRUPI**

Irving H. Picard, trustee (“Trustee”) for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.*, and the estate of Bernard L. Madoff, by and through his undersigned counsel, submits this certificate of no objection (“Certificate”) pursuant to Local Bankruptcy Rule 9075-2, and respectfully represents:

1. On November 26, 2018, the Trustee filed his Motion and Memorandum of Law for Orders Authorizing the Depositions of Federal Prisoners Annette Bongiorno, Daniel Bonventre, and Joann Crupi (the “Motion”) (ECF No. 18236), together with three proposed orders authorizing their respective depositions (the “Proposed Orders”).

2. Notice of the Motion was provided by email to counsel for defendants listed in Exhibit A (the “Defendants”).

3. The deadline for filing objections to the Motion expired on December 10, 2018.

4. Counsel for the Trustee reviewed the Court’s docket not less than forty-eight (48) hours after expiration of the time to file an objection, and to date, no objection, responsive pleading, or request for a hearing with respect to the Motion appears thereon. Additionally, no party has indicated to the Trustee that it intends to oppose the relief requested in the Motion.

5. Counsel for the Trustee received a letter dated December 10, 2018, from the Picower Parties¹ regarding the Motion (the “Letter”) (ECF No. 18293). The Picower Parties state in the Letter that they have no objection to the entry of an order authorizing the depositions sought by the Trustee (Letter at 2), but request any orders entered by the Court contain the same limitations and protections with respect to the Picower Parties that this Court previously ordered in connection with prior depositions of Bernard L. Madoff, and other former employees of BLMIS (Letter at 2).

6. Having conferred with counsel for the Picower Parties, the Trustee has no objection to the relief requested.

7. Electronic copies of the three Proposed Orders, modified to include the provisions and limitations provided by the Picower Parties but otherwise in the form included with the Motion, will be submitted to the Court as Exhibits 1–3 along with this Certificate.

8. Pursuant to Local Bankruptcy Rule 9075-2, the Trustee respectfully requests the Proposed Orders be entered without a hearing.

¹ The “Picower Parties” include Capital Growth Company, Decisions, Inc.; Favorite Funds; JA Primary Limited Partnership; JA Special Limited Partnership; JAB Partnership; JEMW Partnership; JF Partnership; JFM Investment Companies; JLN Partnership; JMP Limited Partnership; Jeffrey M. Picower Special Company; Jeffrey M. Picower, P.C.; The Picower Foundation; The Trust f/b/o Gabrielle H. Picower; and Barbara Picower, individually, as Executor of the Estate of Jeffrey M. Picower, and as Trustee for the Picower Foundation and for the Trust f/b/o Gabrielle H. Picower.

Dated: New York, New York
December 13, 2018

Respectfully submitted,

BAKER & HOSTETLER LLP

/s/ David J. Sheehan

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